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A Professional Corporation

**Fax Transmission** | January 14, 2002

TO: Commissioner for Patents  
Attn: Examiner A. KHATRI  
Patent Examining Corps  
Facsimile Center  
Washington, D.C. 20231

FROM: Richard J. Gregson

OUR REF: 13714.1USU1  
TELEPHONE: 612.332.5300

Total pages, including cover letter: 17PTO FAX NUMBER ~~1-703-306-5404~~ **308-5397**

If you do NOT receive all of the pages, please telephone us at 612.332.5300, or fax us at 612.332.9081.

Title of Document Transmitted:

Terminal Disclaimer  
Assignments (2)  
Certificate of Merger

Applicant: RICE ET AL.  
Serial No.: 09/054,233  
Filed: APRIL 2, 1998  
Group Art Unit: 2122  
Our Ref. No.: 13714.1USU1

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

By

Name: Richard J. GregsonReg. No.: 41,804

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Signature

Date

GEN033.DOT

**MINNESOTA SECRETARY OF STATE  
AMENDMENT OF ARTICLES OF INCORPORATION**

BEFORE COMPLETING THIS FORM, PLEASE READ INSTRUCTIONS LISTED BELOW.

**CORPORATE NAME:**(List the name of the company prior to any desired name change)

CWC Incorporated

This amendment is effective on the day it is filed with the Secretary of State, unless you indicate another date, no later than 30 days after filing with the Secretary of State.

The following amendment(s) of articles regulating the above corporation were adopted: (Insert full text of newly amended article(s) indicating which article(s) is (are) being amended or added.) If the full text of the amendment will not fit in the space provided, attach additional numbered pages. (Total number of pages including this form 1.)

**ARTICLE** 1

The name of the corporation is FirePond, Inc.

This amendment has been approved pursuant to *Minnesota Statutes chapter 302A or 317A*. I certify that I am authorized to execute this amendment and I further certify that I understand that by signing this amendment, I am subject to the penalties of perjury as set forth in section 609.49 as if I had signed this amendment under oath.

RCJ [Signature] 9/29/98  
(Signature of Authorized Person)

**INSTRUCTIONS**

1. Type or print with black ink.
2. A Filing Fee of: \$35.00, made payable to the Secretary of State.
3. Return completed forms to:

Secretary of State  
180 State Office Building  
100 Constitution Ave.  
St. Paul, MN 55155-1299  
(612)296-2803

00921340 Rev. 2/85

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**FOR OFFICE USE ONLY**

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED 2

OCT - 9 1998

[Signature]

Secretary of State

State of Delaware  
Office of the Secretary of State

PAGE 1

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"BRIGHTWARE, INC.", A DELAWARE CORPORATION,  
WITH AND INTO "BUTANE ACQUISITION CORP." UNDER THE NAME OF "BRIGHTWARE, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE FIFTEENTH DAY OF FEBRUARY, A.D. 2001, AT 9 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

3347105 8100M



*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 0976022

STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 09:00 AM 02/15/2001  
010077508 - 3347105

CERTIFICATE OF MERGER  
of  
BRIGHTWARE, INC.  
(a Delaware corporation)  
with and into  
BUTANE ACQUISITION CORP.  
(a Delaware corporation)

(PURSUANT TO SECTION 251 OF THE GENERAL  
CORPORATION LAW OF THE STATE OF DELAWARE)

Butane Acquisition Corp., a Delaware Corporation, hereby certifies the following:

1. The name and state of incorporation of each of the constituent corporations are as follows:

NAME

Butane Acquisition Corp.  
Brightware, Inc.

STATE OF INCORPORATION

Delaware  
Delaware

2. An Agreement and Plan of Merger, dated as of January 30, 2001 (the "Merger Agreement"), by and among the constituent corporations, has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with the provisions of Section 251 of the General Corporation Law of the State of Delaware.
3. The name of the surviving corporation is Butane Acquisition Corp. which shall be herewith changed to Brightware, Inc.
4. The amendments or changes in the Certificate of Incorporation of Butane Acquisition Corp. (the "Surviving Corporation") that are to be effected pursuant to the merger are as follows:  
  
Article One of the Certificate of Incorporation of the Surviving Corporation shall be changed in its entirety to read as follows:  
  
"The name of the corporation is Brightware, Inc. (the "Corporation")."
5. A copy of the executed Merger Agreement is on file at the office of the Surviving Corporation at 1401 Los Gatos Drive, San Rafael, CA 94903.
6. A copy of the executed Merger Agreement will be furnished by the Surviving Corporation on request and without cost to any person who was heretofore or is hereafter a stockholder of any of the constituent corporations.

[SIGNATURE APPEARS ON FOLLOWING PAGE]

BST99 1187400-1.055148.0024

IN WITNESS WHEREFORE, the Surviving Corporation has caused this  
Certificate of Merger to be executed the 15th day of February, 2001

BUTANE ACQUISITION CORP.,  
a Delaware Corporation

By: Klaus P. Becier  
Name: Klaus P. Becier  
Title: Chief Executive Officer

Transfer Restricted - See Reverse Side Hereof



**Butane Acquisition Corp.**

**First President**

**Firepond, Inc.**

is the owner of One Thousand

Common Stock of Butane Acquisition Corp.

*Share of the Registered Stock of*

*transferrable only on the books of the Corporation, by the holder hereof in person or by attorney or other authorized agent of this Certificate properly executed.*

IN WITNESS WHEREOF, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed this 15th day of January, 1988.

*Walter M. Smith*  
President

*Walter M. Smith*  
Treasurer

